

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

CASE NO.: \_\_\_\_\_

TERRISHA S. EASTERLY,  
)  
)  
Plaintiff,  
)  
)  
v.  
)  
ST. ANNE HOME OF THE DIOCESE  
OF FORT WAYNE-SOUTH BEND, INC.,  
)  
Defendant.  
)

**DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION**

Defendant, St. Anne Home of the Diocese of Fort Wayne-South Bend, Inc. ("St. Anne"), hereby files its Notice of Removal of the above-styled civil action pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and as grounds thereof, states as follows:

1. Plaintiff, Terrisha S. Easterly (“Easterly”), filed a civil action against St. Anne on June 2, 2021, in the Allen Superior Court, in and for Allen County, Indiana, styled *Terrisha S. Easterly v. St. Anne Home of the Diocese of Fort Wayne-South Bend, Inc.*, Case No. 02D01-2106-CT-000300. A copy of all process and pleadings served upon St. Anne is attached hereto as composite Exhibit “A.”

2. Easterly's civil action alleges violations of the Family Medical Leave Act, 29 U.S.C. § 2601 *et seq.* ("FMLA") and the Families First Coronavirus Response Act, 29 U.S.C. § 2601 *et seq.* ("FFCRA").

3. Removal of Easterly's civil action is appropriate pursuant to 28 U.S.C. § 1441(a) because the United States District Court, Northern District of Indiana, has original federal question jurisdiction over Easterly's FMLA and FFCRA claims pursuant to 28 U.S.C. § 1331.

See 28 U.S.C. § 1441(a) (“[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”)

4. St. Anne first had notice of its removal rights when the civil action was served on St. Anne on or about June 8, 2021. This Notice of Removal of Civil Action has been filed within thirty (30) days of St. Anne’s receipt of the Complaint. Therefore, this Notice of Removal of Civil Action is timely and proper. See 28 U.S.C. § 1446(b)(1).

5. Removal of this civil action to the United States District Court, Northern District of Indiana, is appropriate pursuant to 28 U.S.C. § 1446(a), as the civil action was originally filed in Allen County, Indiana.

6. Contemporaneous with filing this Notice of Removal, St. Anne will provide written notice of the filing to Easterly’s counsel and will file a copy of this Notice of Removal of Civil Action with the Clerk of the Allen Superior Court in and for Allen County, Indiana.

7. St. Anne will tender the appropriate fees and costs for removal and docketing of this matter together with this Notice of Removal of Civil Action.

Dated this 28th day of June, 2021.

Respectfully submitted,

SCOTT HALL LAW OFFICE, LLC

/s/M. Scott Hall

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*Attorney for Defendant St. Anne Home of the Diocese of Fort Wayne-South Bend, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28th day of June 2021, a true and correct copy of the foregoing has been served via the Court's CM/ECF system and hand delivery upon the following:

Christopher Myers  
Ilene M. Smith  
Christopher C. Myers & Associates  
809 S Calhoun St, Ste 400  
Fort Wayne, IN 46802

/s/M. Scott Hall

Scott Hall